

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CARINA CONERLY,

Plaintiff,

v.

JULIE G. YAP, et al.,

Defendants.

No. 2:21-cv-1132-TLN-CKD

ORDER

On November 30, 2021, the Court dismissed this action. (ECF No. 10.) On December 9, 2021, Plaintiff filed a notice of appeal. (ECF No. 12.) Thereafter, on December 13, 2021, the Ninth Circuit Court of Appeals referred this matter to the District court for the limited purpose of determining whether in forma pauperis status should continue for the appeal, or whether the appeal is frivolous or taken in bad faith. (ECF No. 15.)

“An appeal may not be taken in forma pauperis if the trial court certifies in writing that it is not taken in good faith.” 28 U.S.C. § 1915(a)(3); *see also Hooker v. American Airlines*, 302 F.3d 1091, 1092 (9th Cir. 2002) (revocation of in forma pauperis status appropriate where district court finds the appeal to be frivolous). The good faith standard under 28 U.S.C. § 1915 is an objective one. *Coppedge v. United States*, 369 U.S. 438, 445 (1962). A plaintiff satisfies the “good faith” requirement if he or she seeks review of any issue that is “not frivolous.” *Gardner v. Pogue*, 558 F.2d 548, 551 (9th Cir. 1977) (*quoting Coppedge*, 369 U.S. at 445).

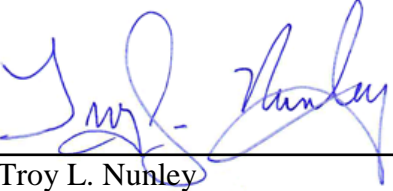
1 For the reasons stated in the July 26, 2021 findings and recommendations (*see* ECF No.
2 4), and the October 27, 2021 findings and recommendations (ECF No. 8), both adopted by the
3 Court on November 30, 2021 (ECF No. 10), the Court finds that the instant appeal is frivolous.
4 The Court thus certifies that Plaintiff's appeal is not taken in good faith, and concludes Plaintiff's
5 in forma pauperis status should not continue for purposes of the appeal.

6 Accordingly, IT IS HEREBY ORDERED:

- 7 1. Plaintiff's in forma pauperis status is REVOKED; and
8 2. The Clerk of Court is directed to serve a copy of this order on Plaintiff and on the
9 Ninth Circuit Court of Appeals.

10 **DATED: January 5, 2022**

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Troy L. Nunley
United States District Judge